

REMARKS

Reconsideration and entry of these remarks are respectfully requested. Claims 1-3, 5-7, 9-12, 14-20 and 22-24 remain pending.

Claims 1-3, 5-7, 9, 18-20 and 22-24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Worhach et al. in view of Elliott and claims 10-12 and 14-17 stand rejected as being unpatentable over Worhach et al. in view of Elliott and further in view of Puri. These rejections are respectfully traversed.

Each independent claim 1, 10 and 18 recites that the modeling occurs within approximately one half hour. The Examiner admits that Worhach et al. do not appear to explicitly teach this feature. The Examiner cites Elliott as teaching an automated fixture builder system that reduces time to build a fixture down to about 15-30 minutes and contends that it would have been obvious to “perform the method of Worhach et al to model an electronics assembly system within one half hour, because performing the modelling (sic) in a fast manner would permit faster turnaround in the consulting process ...”.

Applicants first note that Worhach et al. does not teach or suggest that their modeling is for a “consulting process”. Worhach et al. is not concerned with providing consulting services to a customer as claimed, but as mentioned in the Abstract, Worhach relates to a case study to illustrate the influencing factors in design and layout for a workstation motherboard.

The Applicants previous argued that Elliott provides no disclosure or suggestion of modeling an electronics assembly system within approximately a one half hour time frame as claimed, but merely states the time to build a fixture is reduced, and as such is non-analogous art. In response, the Examiner stated that “a common (if not universal) motivation found in the (modeling and manufacturing, sales) arts is the desire to decrease the time from start-to-finish, including model-to-product and product-to-sale.”

The Examiner further stated that,

Additionally, it should be noted that the modeling system of Worhach et al. is shown as implemented using web pages... It

is highly unlikely that a user running the process models from the Internet would desire to spend more than a few minutes waiting for the results. The nature of the problem solved (presenting manufacturing models to a user via the Internet) would encompass the motivation to speed up the process so as to not waste the user's time or attention.

First, Worhach et al. does not disclose the use of the Internet in order to speed up the process. In fact, Worhach et al. disclose that since electronic system design and manufacturing is highly dispersed throughout a firm, the Internet is a way to implement design models in a distributed manner. The Internet is merely a way for engineers to input data regarding a process at their particular location.

Secondly, Worhach et al. teaches away from a speedy process and discloses at IV. CASE STUDY that "Model outputs are computed for a total weekly production run of 13,500 boards." It is not evident that such computations can be performed within approximately one half hour. Furthermore, in Worhach et al, it took several months of production over different processes and board types to validate the models and model parameters (see the paragraph under TABLE VII of Worhach et al.). Certainly, time was not an issue in Worhach et al. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. MPEP §2141.02, page 2100-127 (Rev. 2, May 2004) (citing W.L. Gore & Assoc. v. Garlock, Inc., 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984)).

Applicants submit that just because Elliot teaches that a fixture can be built in 15-30 minutes, does not suggest that the Worhach et al. electronics assembly can be modeled in such a time frame. In fact, Worhach et al. suggest a significantly greater time frame for his modeling. What the Examiner has inappropriately done is to find a statement in a patent (Elliot) that a procedure can be performed in 15-30 minutes and to take that statement, which is applicable only to the invention of Elliot, and establish obviousness in a completely different environment.

For the reasons advanced above, it is respectfully submitted the rejection is improper and should be withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that this application is in condition for allowance and a Notice to that effect is earnestly solicited.

Please charge any missing or insufficient fees to Deposit Account No. 19-2179 under order No. 2001P09906.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Frank J. Nuzzi', written in a cursive style.

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